

RICHARD SEGERBLOM, ESQ.  
Nevada Bar No. 1010  
704 South Ninth Street  
Las Vegas, Nevada 89101  
Tel: (702) 388-9600  
Fax: (702) 385-2909

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

JANICE BATES,

Plaintiff,

vs.

CLARK COUNTY,

Defendant.

**COMPLAINT**  
**(Jury Demanded)**

CV-S-04-0518-KJD-RJJ

COMES NOW Plaintiff and complains of Defendant as follows:

**First Cause of Action**

I.

This is a civil rights in employment case based upon Title VII. Plaintiff Janice Bates, an African-American female, alleges she was denied job reclassifications and promotions and transferred to a lesser, contractual position because of her race and in retaliation for associating with another employee who filed a discrimination complaint.

II.

Bates is a resident of Clark County, Nevada and at all times herein was employed by Defendant Clark County. Defendant Clark County (hereinafter "County") is a local government employer authorized under the laws of the State of Nevada.

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III.

Bates has been subjected to disparate treatment and retaliation because of her race and in retaliation for her association. Bates filed a charge of discrimination and an amended charge of discrimination. A copy of that amended charge is attached hereto and incorporated by reference. After thoroughly investigating Bates' allegations, the EEOC concluded that there is probable cause to believe her allegations. Bates received a right to sue letter from the U.S. Department of Justice and this lawsuit has been filed within 90 days from her receipt of that letter, a copy of which is attached hereto.

IV.

As a direct result of the Defendant's unlawful acts Bates has suffered emotional distress and financial harm, the full extent of which is as yet unknown.

WHEREFORE, Plaintiff prays for the following relief:

1. Injunctive relief returning her to her former position, cleaning her personnel file, and protecting her from future retaliation.
2. Retroactive promotion, backpay, prejudgment interest, benefits, and seniority consistent with the allegations set forth above;
3. Compensatory damages in the amount of \$300,000;
4. Attorney's fees and costs of suit; and
5. Such other and further relief as the Court may wish to entertain.

DATED this 26<sup>th</sup> day of April, 2004.

  
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RICHARD SEGERBLUM, ESQ.  
704 South Ninth Street  
Las Vegas, Nevada 89101  
Attorney for Plaintiff

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY

CHARGE NUMBER

☐ FEPA☒ EEOC

340A12092

Nevada Equal Rights Commission

State or local Agency, if any

and EEOC

NAME (Indicate Mr., Ms., Mrs.)

Ms. Janice E. Bates

HOME TELEPHONE (Include Area Code)

(702) 644-3172

STREET ADDRESS

CITY, STATE AND ZIP CODE

3681 Deer Creek Way, Las Vegas, NV 89115

DATE OF BIRTH

05/24/1963

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

Clark County

NUMBER OF EMPLOYEES, MEMBERS

Cat D (501 +)

TELEPHONE (Include Area Code)

(702) 455-2542

STREET ADDRESS

CITY, STATE AND ZIP CODE

500 S. Grand Central Parkway, Las Vegas, NV 89155

COUNTY

003

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE☐ CO. OR☐ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☐ DISABILITY☐ OTHER (Specify)DATE DISCRIMINATION TOOK PLACE  
EARLIEST LATEST

08/23/2000 12/07/2001

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

**AMENDED CHARGE**

I.

Since January, 2000 and continuing I have been denied job reclassifications, most recently on August 23, 2000 when my request for job reclassification and promotion from Office Specialist to Administrative Secretary was denied. On March 14, 2001, I was again denied a job reclassification and my training duties were removed. I have been employed since October, 1996.

On December 7 2001, I discovered that Respondent had taken me out of my permanent position and placed me in a contractual position.

II.

On August 23, 2000, I was notified by Ray Visconte, Assistant Director, Human Resources that the reclassification was not in the business plan. On March 14, 2000, Beverly Glode and Raymond Visconti told me that I would not be reclassified and there was no recourse. George Cotton, Manager of Equal Opportunity informed that I would be removed from all training duties per Beverly Glode and Raymond Visconti.

\*\* Text is Continued on Attached Sheet(s) \*\*

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Notary Public - State of Nevada

COUNTY OF CLARK

MICHAEL KIRKPATRICK

My Appointment Expires May 2, 2005

SUBSCRIBED AND SWORN TO before me this 4th day of April, 2002.

Date 4/12/02

Charging Party (Signature)

CHARGING PARTY COPY

4-12-2002

Apr 4 09:13 2002 CP Initials *JB* Chg # 340A12092, Attachment Page 1

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Equal Employment Opportunity Commission  
Form 5 - Charge of Discrimination, Additional Text  
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I inquired of Mr. Visconte of the reason for the switch between the former contract employee, Shawna Dudas, and myself. Mr. Visconte informed me that there is no difference in our positions.

III.

I believe that I was denied job reclassifications and promotions, and involuntarily placed in a contractual position in retaliation for my association with the former Director of Equal Opportunity, who filed an EEOC charge of discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended *and my race (black)*

*James Bates*



## U.S. Department of Justice

## Civil Rights Division

Employment Litigation Section  
P.O. Box 65968  
Washington, DC 20035-5968  
[www.usdoj.gov/crt/emp/emphome.html](http://www.usdoj.gov/crt/emp/emphome.html)

## NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

RAA:WBF:mdw  
DJ 170-46-51

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

FEB 24 2004

Janice E. Bates  
3681 Deer Creek Way  
Las Vegas, NV 89115

Re: Janice E. Bates v. Clark  
County, EEOC No. 340-2001-02092

Dear Ms. Bates:

It has been determined that the Department of Justice will not file suit on the above-referenced charge of discrimination that was referred to us by the Equal Employment Opportunity Commission (EEOC). This should not be taken to mean that the Department of Justice has made a judgment as to whether or not your charge is meritorious.

You are hereby notified that conciliation in this matter was unsuccessful by the EEOC. You are further notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent. If you choose to commence a civil action, such suit must be filed in the appropriate court within 90 days of your receipt of this Notice.

Therefore, you should consult an attorney of your own choosing at your earliest convenience. If you are unable to locate an attorney, you may wish to contact the EEOC, or apply to the appropriate court, since that court may appoint an attorney in appropriate circumstances under Section 706(f)(1) of Title VII, 42 U.S.C. 2000e-5(f)(1).

We are returning the files in this matter to EEOC's Los Angeles District Office. If you or your attorney have any questions concerning this matter or wish to inspect the investigative file, please feel free to address your inquiry to: Olophius Perry, District Director, EEOC, 255 E. Temple St., 4<sup>th</sup> Fl., Los Angeles, CA 90012.

Sincerely,

R. Alexander Acosta  
Assistant Attorney General  
Civil Rights Division

By:

William B. Fenton  
Deputy Chief  
Employment Litigation Section

cc: Therese Scupi  
Clark County